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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

‘ILIO‘ULAOKALANI COALITION, a) Civil No. 04-00502 DAE BMK
Hawai'i nonprofit corporation; NĀ ‘IMI)
PONO, a Hawai'i unincorporated) DECLARATION OF DAVID L.
association; and KĀPUKA, a Hawai'i) HENKIN; EXHIBITS "1"-“7”
unincorporated association,)
)
Plaintiffs,)
)
v.)
)
ROBERT M. GATES, Secretary of)
Defense; and FRANCIS J. HARVEY,)
Secretary of the United States)
Department of the Army,)
)
Defendants.)
)

DECLARATION OF DAVID L. HENKIN

I, DAVID L. HENKIN, declare under penalty of perjury that:

1. I am an attorney at law, duly licensed to practice before this Court, and am the lead attorney for plaintiffs ‘Ilio‘ulaokalani Coalition, Nā ‘Imi Pono, and Kīpuka (collectively, “the Hawaiian Groups”) in this action.

2. I make this Declaration in support of the Hawaiian Groups’ Motion To Clarify December 29, 2006 Order Setting Interim Injunction. This declaration is based on my personal knowledge, and I am competent to testify about the matters contained herein.

3. Attached hereto as Exhibit “1” are excerpts from a true and correct copy of Federal Defendants’ Response to Plaintiffs’ First Set of Interrogatories and Request for Production of Documents and Things (served Nov. 28, 2006).

4. Attached hereto as Exhibit “2” are excerpts from a true and correct copy of Federal Defendants’ First Supplemental Response to Plaintiffs’ First Set of Interrogatories and Request for Production of Documents and Things (served Nov. 29, 2006).

5. Attached hereto as Exhibit “3” are excerpts from a true and correct copy of Federal Defendants’ Second Response to Plaintiffs’ First Set of Interrogatories and Request for Production of Documents and Things and Second Supplemental Response (served Dec. 1, 2006).

6. Attached hereto as Exhibit "4" is a true and correct copy of Plaintiffs' Notice of Taking Deposition Upon Oral Examination Pursuant To Rule 30(b)(6) (served Nov. 20, 2006).

7. Attached hereto as Exhibit "5" is a true and correct copy of a briefing containing descriptions of proposed training scenarios for Ranges KR 3-6 at Schofield Barracks, which defendants produced on December 1, 2006.

8. Attached hereto as Exhibit "6" are excerpts from a true and correct copy of the Deposition of Ronald L. Borne, taken on December 4, 2006, together with true and correct copies of deposition exhibits 2, 3-A, 3-B and 18. Please note that, for ease of reference, consecutive Bates-stamp numbers have been added to deposition exhibit 18.

9. Attached hereto as Exhibit "7" are excerpts from a true and correct copy of the administrative record herein for Defendants' Environmental Impact Statement, Transformation of the 2nd Brigade, 25th Infantry Division (Light) to a Stryker Brigade Combat Team in Hawai'i.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 12, 2007, at Honolulu, Hawai'i.

/s/ David L. Henkin
David L. Henkin